

KASOWITZ BENSON TORRES LLP

GAVIN D. SCHRYVER
DIRECT DIAL: (212) 506-1891
DIRECT FAX: (212) 835-5291
GSCHRYVER@KASOWITZ.COM

1633 BROADWAY
NEW YORK, NEW YORK 10019
(212) 506-1700
FAX: (212) 506-1800

ATLANTA
HOUSTON
LOS ANGELES
MIAMI
NEWARK
SAN FRANCISCO
SILICON VALLEY
WASHINGTON DC

August 17, 2021

VIA ECF

The Honorable John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Roche Cyrulnik Freedman LLP v. Cyrulnik, Case No. 1:21-cv-01746 (JGK)

Dear Judge Koeltl:

We represent defendant Jason Cyrulnik and write to respond briefly to the letter filed by plaintiff Roche Cyrulnik Freedman LLP (“RCF”) on August 16, 2021 (Dkt. No. 43). Although we do not object to RCF’s request for an order temporarily sealing Cyrulnik’s motion to dismiss until RCF has an opportunity to file a motion to seal, we once again feel compelled to correct certain misstatements that RCF insists on repeating notwithstanding that Cyrulnik already corrected them earlier in this case (Dkt. Nos. 28-29).

First, RCF again states that Cyrulnik “refused” to agree to RCF’s request to seal portions of the record in the Florida action. That is false. In response to the request of RCF and its co-defendants in the Florida action to seal large portions of the pleading, Cyrulnik specifically agreed that he would *not* oppose the sealing of certain portions of the record, and asked RCF for information necessary to show there was a valid legal basis for sealing other portions in compliance with that court’s rules. RCF never bothered to provide that information.

Second, RCF’s suggestion that Cyrulnik acted improperly in light of the Florida court’s sealing order is contradicted by RCF’s own actions. In the order, the Florida court directed RCF to meet and confer with Cyrulnik to determine which portion of the record should be redacted. It took RCF more than *seven weeks* to provide proposed redactions, to which Cyrulnik agreed not to object, and the portions of the record that RCF claims were confidential remained unsealed on the public docket in the Florida action until at least June 24, 2021, confirming that RCF sought sealing in that case (and seeks sealing here) simply as a means to malign Cyrulnik’s professional reputation, and not to protect any information that it actually believes is confidential. In any event,

Hon. John G. Koeltl
August 17, 2021
Page 2

Cyrulnik's motion to dismiss the amended complaint redacted the information that RCF maintains is confidential.

We are available should the Court have any questions about this matter.

Respectfully,

/s/ Gavin D. Schryver

Gavin D. Schryver

cc: Counsel of Record (via ECF)